

## SENATE BILL No. 253

By Committee on Judiciary

2-1

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9 AN ACT concerning public officers; relating to ineligibility to hold offices  
10 of district and county attorneys and district judges based on criminal  
11 record; amending K.S.A. 19-701 and K.S.A. 2006 Supp. 20-334 and  
12 22a-102 and repealing the existing sections.  
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 19-701 is hereby amended to read as follows: 19-  
16 701. Except as otherwise provided by law, beginning with the general  
17 election in 1976, a county attorney shall be elected in each county who  
18 shall hold office for a term of four ~~(4)~~ years. Such county attorney shall,  
19 before entering upon the duties of the office, execute a good and suffi-  
20 cient corporate surety bond to the state of Kansas issued by a company  
21 authorized to do business in this state in an amount fixed by the board  
22 of county commissioners of not less than two thousand dollars (\$2,000).  
23 Such bond shall be conditioned on the faithful performance of the duties  
24 of such office, and that such county attorney will pay over to the county  
25 treasurer, in the manner prescribed by law, all moneys received by virtue  
26 of such office. Such bond shall be deposited in the office of the county  
27 clerk. No person shall be eligible for the nomination or election to the  
28 office of county attorney of any county unless such person shall have been  
29 regularly admitted to practice law within the state of Kansas, and is at the  
30 time of nomination and election a regularly qualified practicing attorney  
31 of this state. *No person shall be eligible for nomination to the office of*  
32 *county attorney if that person has been convicted, has an expunged con-*  
33 *viction or has been placed on diversion by any state or the federal gov-*  
34 *ernment for a crime which is a felony or its equivalent under the uniform*  
35 *code of military justice.*

36 Sec. 2. K.S.A. 2006 Supp. 20-334 is hereby amended to read as fol-  
37 lows: 20-334. (a) Subject to the provisions of K.S.A. 20-2909 and amend-  
38 ments thereto, any person who is elected, retained in office or appointed  
39 as a district judge shall:

40 (1) Have been regularly admitted to practice law in the state of  
41 Kansas;

42 (2) be a resident of the judicial district for which elected or appointed  
43 to serve at the time of taking the oath of office and shall maintain resi-

- 1 dency in the judicial district while holding office; ~~and~~
- 2 (3) for a period of at least five years, have engaged in the active prac-  
3 tice of law as a lawyer, judge of a court of record or any court in this state,  
4 full-time teacher of law in an accredited law school or any combination  
5 thereof; *and*
- 6 (4) *not have been convicted, not have an expunged conviction or not*  
7 *have been placed on diversion by any state or the federal government for*  
8 *a crime which is a felony or its equivalent under the uniform code of*  
9 *military justice.*
- 10 (b) Any person who is elected, retained in office or appointed as a  
11 district magistrate judge shall:
- 12 (1) Be a graduate of a high school or secondary school or the equiv-  
13 alent thereof;
- 14 (2) be a resident of the county for which elected or appointed to serve  
15 at the time of taking the oath of office and shall maintain residency in the  
16 county while holding office; ~~and~~
- 17 (3) if not regularly admitted to practice law in Kansas, be certified by  
18 the supreme court, in the manner prescribed by K.S.A. 20-337 and  
19 amendments thereto, as qualified to serve as a district magistrate judge;  
20 *and*
- 21 (4) *not have been convicted, not have an expunged conviction or not*  
22 *have been placed on diversion by any state or the federal government for*  
23 *a crime which is a felony or its equivalent under the uniform code of*  
24 *military justice.*
- 25 Sec. 3. K.S.A. 2006 Supp. 22a-102 is hereby amended to read as  
26 follows: 22a-102. No person shall be eligible for nomination to the office  
27 of district attorney unless such person shall have been regularly admitted  
28 to practice law in the state of Kansas for five years next preceding his  
29 nomination for such office. An attorney who shall have been a county  
30 attorney, assistant county attorney or assistant district attorney for the  
31 three years immediately preceding nomination as district attorney shall  
32 be eligible for nomination. *No person shall be eligible for nomination to*  
33 *the office of district attorney if that person has been convicted, has an*  
34 *expunged conviction or has been placed on diversion by any state or the*  
35 *federal government for a crime which is a felony or its equivalent under*  
36 *the uniform code of military justice.* A person so qualified may become a  
37 candidate for election to the office of district attorney by either one of  
38 the following methods:
- 39 (a) Any person who is a qualified elector of any judicial district in  
40 which a district attorney is to be elected and who is otherwise qualified  
41 under this act may petition to be a candidate for district attorney of such  
42 judicial district by filing in the office of the secretary of state a petition  
43 for candidacy, signed by not less than 5% of the qualified electors of such

1 judicial district who voted for the office of secretary of state at the last  
2 preceding general election; or

3 (b) Any person who is a qualified elector of any judicial district in  
4 which a district attorney is to be elected and who is otherwise qualified  
5 under this act may become a candidate for district attorney of such judicial  
6 district by filing in the office of the secretary of state a declaration of  
7 intent to be such a candidate and payment therewith of a filing fee in an  
8 amount equal to 1% of the annual salary for such office.

9 (c) Any such petition or declaration of intent filed by a candidate to  
10 run in the primary election held in accordance with K.S.A. 25-203, and  
11 amendments thereto, shall be filed no later than 12:00 noon, June 10,  
12 prior to such primary election, or if such date falls on Saturday, Sunday  
13 or a holiday, then before 12:00 noon of the next following day that is not  
14 a Saturday, Sunday or a holiday. Any such petition or declaration of intent  
15 filed by an independent candidate for the office of district attorney shall  
16 be filed no later than 12:00 noon on the Monday preceding the date fixed  
17 for the holding of primary elections in accordance with K.S.A. 25-203,  
18 and amendments thereto. All laws applicable to the election of other state  
19 officers shall apply to elections of district attorneys to the extent the same  
20 are not in conflict with this act.

21 Sec. 4. K.S.A. 19-701 and K.S.A. 2006 Supp. 20-334 and 22a-102 are  
22 hereby repealed.

23 Sec. 5. This act shall take effect and be in force from and after its  
24 publication in the statute book.